

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BLUE HILLS OFFICE PARK LLC,

Plaintiff,

v.

CSFB 1999–C1 ROYALL STREET, LLC; and
CREDIT SUISSE FIRST BOSTON MORTGAGE
SECURITIES CORP.,

Defendants.

Civil Action No. 05-CV-10506 (WGY)

**MOTION OF DEFENDANTS CSFB 1999–C1 ROYALL STREET, LLC AND CREDIT
SUISSE FIRST BOSTON MORTGAGE SECURITIES CORP. TO STRIKE
PLAINTIFF’S REQUEST FOR A JURY TRIAL**

Defendants CSFB 1999–C1 Royall Street, LLC (“Lender”) and Credit Suisse First Boston Mortgage Securities Corp. (“Depositor”) hereby move to strike plaintiff Blue Hills Office Park, LLC’s (“Blue Hills”) demand for a jury trial, set forth in plaintiff’s First Amended Complaint at page 21, on the grounds that Blue Hills has waived its right to a jury trial of any of the claims that are or may be asserted in this matter.

Section 53 of the Mortgage, Assignment of Leases and Rents, and Security Agreement (the “Mortgage”) (attached to plaintiff’s First Amended Complaint as Exhibit “C”), executed by Blue Hills as Mortgagor on September 14, 1999 states as follows:

**Waiver of Jury Trial. EACH OF MORTGAGOR AND
MORTGAGEE HEREBY AGREES NOT TO ELECT A
TRIAL BY JURY OF ANY ISSUE TRIABLE OF RIGHT BY
JURY, AND WAIVES ANY RIGHT TO TRIAL BY JURY
FULLY TO THE EXTENT THAT SUCH RIGHT SHALL
NOW OR HEREAFTER EXIST WITH REGARD TO THE
NOTE, THIS MORTGAGE, OR THE OTHER LOAN
DOCUMENTS, OR ANY CLAIM, COUNTERCLAIM OR
OTHER ACTION ARISING IN CONNECTION
THEREWITH. THIS WAIVER OF RIGHT TO TRIAL BY
JURY IS GIVEN KNOWINGLY AND VOLUNTARILY BY**

EACH OF MORTGAGOR AND MORTGAGEE, AND IS INTENDED TO ENCOMPASS INDIVIDUALLY EACH INSTANCE AND EACH ISSUE AS TO WHICH THE RIGHT TO A TRIAL BY JURY WOULD OTHERWISE ACCRUE. EACH OF MORTGAGOR AND MORTGAGEE IS HEREBY AUTHORIZED TO FILE A COPY OF THIS PARAGRAPH IN ANY PROCEEDING AS CONCLUSIVE EVIDENCE OF THIS WAIVER BY MORTGAGOR.

(emphasis in original). Id. All of the claims set forth in the First Amended Complaint arise in connection with the Loan Documents. Therefore, for the reasons set forth above and in the accompanying memorandum in support of this motion, filed herewith, the Defendants request that this Court strike Blue Hills' demand for a jury trial from the First Amended Complaint.

Respectfully submitted,

CSFB 1999-C1 ROYALL STREET, LLC
and CREDIT SUISSE FIRST BOSTON
MORTGAGE SECURITIES CORP.,

By their attorneys,

/s/ Traci S. Feit
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June 6, 2005

CERTIFICATE UNDER LOCAL RULE 7.1(A)(2)

I hereby certify that counsel for defendants CSFB 1999-C1 Royall Street, LLC and Credit Suisse First Boston Mortgage Securities Corp. has conferred with counsel for plaintiff Blue Hills Office Park LLC in a good-faith attempt to resolve or narrow the issues presented in the foregoing motion to strike plaintiff's jury trial request.

/s/ Traci S. Feit
Traci S. Feit, Esq.